

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ALREE B. SWEAT III,**

**Plaintiff,**

**v.**

**No. 15-cv-0226 RB/SMV**

**CITY OF LAS CRUCES,  
JAIME MONTOYA, MIRANDA BAKER,  
PAUL LUJAN, and FNU SANCHEZ,**

**Defendants.**

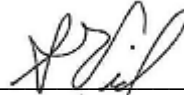
**ORDER GRANTING MOTION TO STRIKE SURREPLY**

THIS MATTER is before the Court on Defendants' Motion to Strike Surreply . . . [Doc. 53], filed on February 23, 2016. Plaintiff responded on March 10, 2016. [Doc. 54]. Defendants have not replied, and no reply is needed. The Motion is well-taken and will be granted.

Defendants filed their Motion [for] Summary Judgment Based on Qualified Immunity [Doc. 48] ("MSJ") on December 31, 2015. Briefing was complete on February 4, 2016. *See* [Docs. 49, 50, 51]. Plaintiff filed a surreply without leave of Court on February 22, 2016. [Doc. 52]. Defendants move to strike it under the local rules. [Doc. 53]. Plaintiff offers several reasons why he believes his surreply is permissible, but the reasons are erroneous and unpersuasive. Defendants reply [Doc. 50] to the MSJ offered no new evidence and no new arguments to which Plaintiff was entitled further submission. *See* D.N.M.LR-Civ. 7.4(b); *N.M. Consol. Constr. v. City Council*, 97 F. Supp. 3d 1287, 1294, n.6 (D.N.M. 2015).

**IT IS THEREFORE ORDERED** that Defendants' Motion to Strike Surreply . . .  
[Doc. 53] is **GRANTED**. Plaintiffs' Surreply [Doc. 52] is **STRUCK**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**